

Translation

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY
(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference BR 1456/PCT	FOR FURTHER ACTION See Form PCT/IPEA/416	
International application No. PCT/FR2004/002042	International filing date (day/month/year) 29.07.2004	Priority date (day/month/year) 29.07.2003
International Patent Classification (IPC) or national classification and IPC B65D51/30, B65D43/16		
Applicant AIRSEC S.A. (Société Anonyme)		

1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.

2. This REPORT consists of a total of 5 sheets, including this cover sheet.

3. This report is also accompanied by ANNEXES, comprising:

a. ☒ (sent to the applicant and to the International Bureau) a total of 11 sheets, as follows:

☒ sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).

☐ sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.

b. ☐ (sent to the International Bureau only) a total of (indicate type and number of electronic carrier(s)) _____, containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).

4. This report contains indications relating to the following items:

☒ Box No. I Basis of the report

☐ Box No. II Priority

☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability

☐ Box No. IV Lack of unity of invention

☒ Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

☒ Box No. VI Certain documents cited

☐ Box No. VII Certain defects in the international application

☐ Box No. VIII Certain observations on the international application

Date of submission of the demand	Date of completion of this report
Name and mailing address of the IPEA/EP	Authorized officer
Facsimile No.	Telephone No.

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/FR2004/002042

Box No. I Basis of the report

1. With regard to the language, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.
- ☐ This report is based on translations from the original language into the following language _____ which is the language of a translation furnished for the purposes of:
- ☐ international search (Rule 12.3 and 23.1(b))
- ☐ publication of the international application (Rule 12.4)
- ☐ international preliminary examination (Rule 55.2 and/or 55.3)
2. With regard to the elements of the international application, this report is based on *(replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report)*:
- ☐ the international application as originally filed/furnished
- ☒ the description:
- pages 1-12, 16-32 as originally filed/furnished
- pages* 13-15 received by this Authority on 26.04.2005 with letter of 26.04.2005
- pages* _____ received by this Authority on _____
- ☒ the claims:
- nos. _____ as originally filed/furnished
- nos.* _____ as amended (together with any statement) under Article 19
- nos.* 1-34 received by this Authority on 26.04.2005 with letter of 26.04.2005
- nos.* _____ received by this Authority on _____
- ☒ the drawings:
- sheets 1/6-6/6 as originally filed/furnished
- sheets* _____ received by this Authority on _____
- sheets* _____ received by this Authority on _____
- ☐ a sequence listing and/or any related table(s) – see Supplemental Box Relating to Sequence Listing.
3. ☐ The amendments have resulted in the cancellation of:
- ☐ the description, pages _____
- ☐ the claims, nos. _____
- ☐ the drawings, sheets/figs _____
- ☐ the sequence listing (specify): _____
- ☐ any table(s) related to sequence listing (specify): _____
4. ☐ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).
- ☐ the description, pages _____
- ☐ the claims, nos. _____
- ☐ the drawings, sheets/figs _____
- ☐ the sequence listing (specify): _____
- ☐ any table(s) related to sequence listing (specify): _____

* If item 4 applies, some or all of those sheets may be marked "superseded."

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Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims	14, 18, 19, 21-26, 29, 32, 33	YES
	Claims	1-13, 15-17, 20, 27, 28, 30, 31, 34	NO
Inventive step (IS)	Claims	18, 23-26	YES
	Claims	1-17, 19-22, 27-34	NO
Industrial applicability (IA)	Claims	1-34	YES
	Claims		NO

2. Citations and explanations (Rule 70.7)

1. Reference is made to the following documents:

D1: EP-A-0 824 480;
D2: US-A-4 834 234;
D3: WO-A-89/08057;
D4: GB-A-812 580;
D5: US-A-4 498 608.

2. The present application does not fulfil the requirements set forth in PCT Article 33(1) because the subject matter of claims 1-13, 15-17, 20, 27, 28, 30, 31 and 34 does not comply with the requirement of novelty defined in PCT Article 33(2).

2.1 Document D1 describes a desiccant container that has all of the features in claim 1. It follows that the subject matter of claim 1 is not novel.

2. Document D1 describes the additional features in claims 2-13, 15-17, 20, 27, 28, 30 and 31. As a result, the subject matter of said claims 2-13, 15-17, 20, 27, 28, 30 and 31 is not novel.

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Box No. V

Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability;
citations and explanations supporting such statement

2.3 Document D1 describes the use of such a container to package materials that are sensitive to ambient moisture. The subject matter of claim 34 is not, therefore, novel.

3. The present application does not fulfil the requirements set forth in PCT Article 33(1) because the subject matter of claims 14, 19, 21, 22, 29, 32 and 33 does not involve an inventive step as defined in PCT Article 33(3).

3.1 Dependent claims 14, 19, 21, 22, 29, 32 and 33 do not contain any features which, in combination with the features of any one of the claims to which they refer, might define subject matter that fulfils the PCT requirement of inventive step (see documents D2, D3, D4 and D5 and the corresponding passages cited in the search report).

4. The combination of features in claims 18 and 23-26 is not found in the prior art and cannot be derived in an obvious manner therefrom.

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Box No. VI Certain documents cited

1. Certain published documents (Rule 70.10)

Application No. Patent No.	Publication date (day/month/year)	Filing date (day/month/year)	Priority date (valid claim) (day/month/year)
WO 2004/096658	11.11.2004	30.04.2004	30.04.2003

1.1 WO 2004/096658 describes a desiccant container that has all of the features in claims 1-12, 15,-17, 27, 28 and 30-34.

2. Non-written disclosures (Rule 70.9)

Kind of non-written disclosure	Date of non-written disclosure (day/month/year)	Date of written disclosure referring to non-written disclosure (day/month/year)